

Briefing for May
9/4/02



Public Comments on VB/I-70 Proposed Plan

1. Support EPA's preferred alternative
 - City of Denver
 - 3 citizens
2. Support preferred alternative except remove soil where lead exceeds 400 ppm
 - Congresswoman DeGette
 - Community leaders from Cole and Clayton
 - 4 citizens
3. EPA is leaving a serious public health threat to children unless arsenic action level is lowered to "somewhere between 47 ppm and 128 ppm". Threat is associated with pica behavior.
 - ATSDR
4. Proposed arsenic and lead action levels not consistent with other EPA Superfund sites. Compare arsenic action level to 70 ppm in Globe and 77 ppm in Eureka and 5 other sites. Compare lead action level to 231 ppm in Eureka.
 - ATSDR
 - CEASE Coalition (TAG group, 18 citizens who live in Swansea/ Elyria)
5. EPA should address cumulative risk
 - Congresswoman DeGette
 - City of Denver
6. CDC may, in the near future lower the blood lead level of concern to 5 µg/dL and the most recent NRC report indicates the cancer slope factor for arsenic is likely to be higher.
 - Dr. Kosnett, TAG advisor
7. EPA should lower action levels to 231 ppm lead and 77 ppm arsenic.
 - CEASE Coalition

**Summary Table of Alternative Action Levels
Vasquez Boulevard/I-70 Site**

Arsenic / Lead	208 ppm	400 ppm	540 ppm	1100 ppm
	208 ppm	400 ppm	540 ppm	1100 ppm
47 ppm	2,122 yards	1083 yards	947 yards	863 yards
70 ppm	2000 yards	877 yards <i>adj. - due to unsampled yards</i>	700 yards	641 yards
128 ppm	1880 yards	600 yards	403 yards (preferred alternative)	337 yards

Note: shaded cells indicate options that don't require a Community Health Program

**Summary Table of Costs and Time associated with Alternative Action Levels
Vasquez Boulevard/I-70 Site**

Arsenic / Lead	208 ppm	400 ppm	540 ppm	1100 ppm
	208 ppm	400 ppm	540 ppm	1100 ppm
47 ppm	\$61 million 11 years	\$31.4 million 6 years	\$30 million 5 years	\$27.6 million 5 years
70 ppm	\$60.6 million 10 years	\$28 million 5 years	\$23 million 4 years	\$21.2 million 4 years
128 ppm	\$57.1 million 9 years	\$20 million 3 years	\$17.5 million 2 years (preferred alternative)	\$12.4 million 2 years

*Uncertainties
comm. acceptance
consistency nearby
neighborhoods*

*Conserv. drive
Set p. only w. Denver
Capitol*

Vasquez Boulevard/I-70 Superfund Site Remedy Alternatives

<u>Remedial Alternative</u>	<u>Pros</u>	<u>Cons</u>	<u>Consistency with NCP</u>
1. 128 ppm Arsenic with 540 ppm Lead	This was the preferred alternative of the May 2002 Proposed Plan. Quick and easy to finalize ROD; implementation can begin next summer at no additional remedy cost	Community will likely be outraged by our selection of this alternative. Public comments overwhelmingly in favor of 400 ppm Pb; community activists also prefer lower As standard, even though they did not push for it previously.	Issuing ROD with responsiveness summary selecting the preferred alternative likely to be consistent with NCP.
2. 128 Arsenic with 400 ppm Lead	The arsenic level was part of the preferred alternative; the lead level was within the "range" of acceptable lead risk levels (<i>i.e.</i> 208 - 1100). Community also favors decrease of lead level to 400ppm. ROD can be written quickly given current information and remedy implementation can begin next summer.	Lead level is based on EPA's national screening criteria. May be more protective than necessary and therefore not cost-effective; may set a bad national precedent for making the screening level the default cleanup action level. Increase in cost is \$3 million but does not require review by NRRB. Community reaction is expected to be rather adverse, since the newspaper editorial raised expectations about lowering the action levels.	Selection of this alternative can be justified using the "community acceptance" balancing criterion of the NCP. Should not require a new proposed plan because change in lead action level could be "reasonably anticipated."

Vasquez Boulevard/I-70 Superfund Site Remedy Alternatives

<u>Remedial Alternative</u>	<u>Pros</u>	<u>Cons</u>	<u>Consistency with NCP</u>
3. 70 ppm Arsenic with 400 ppm Lead	The arsenic level is the same cleanup standard as the one used at Globeville; the lead level was within the "range" of acceptable lead risk levels (<i>i.e.</i> 208 - 1100). Community clearly favors decrease of lead level to 400ppm; may favor decrease of arsenic level to 70ppm, based on some public comments. Arsenic level is also within the cleanup "range" proposed by State in its comments.	Lead level is based on EPA's national screening criteria. May be more protective than necessary and therefore not cost-effective; may set a bad national precedent for making the screening level the default cleanup action level. Arsenic standard may also not be cost-effective and may make it more difficult to address metro-wide arsenic levels. Because increase in cost is \$13 million, requires review by NRRB. Remedy implementation may not occur next summer.	While selection of this alternative may be justified using the "community acceptance" balancing criterion of the NCP, may require a new proposed plan (and additional public comment) because change in both arsenic and lead action levels could not be "reasonably anticipated." A legal challenge to this remedy should be expected.

Vasquez Boulevard/I-70 Superfund Site Remedy Alternatives

<u>Remedial Alternative</u>	<u>Pros</u>	<u>Cons</u>	<u>Consistency with NCP</u>
<p>3a. 70 ppm As/400ppm Pb + Interim ROD</p> <p>** Interim ROD would select higher action levels in an effort to get work underway sooner and to eliminate or reduce risk to the segment of the population exposed at these levels.</p>	<p>Able to begin implementing remedy next summer. Funds for remedial action may be available from remedial budget. Interim ROD will be consistent with final remedy and can be issued based on the FS, Proposed Plan and public comments already in the record.</p>	<p>Community may not understand the action levels selected in the Interim ROD are not the final action levels.</p>	<p>May be subject to legal challenge. Preamble of NCP suggests interim RODs used to address distinct OUs of geographic or media specific nature. Not clear interim ROD can be used to address contamination at higher level while studying whether action level should be lower.</p>
<p>3b. 70 ppm As/400ppm Pb + NTC Removal</p> <p>** The Non-Time Critical Removal Action would select 240ppm As and 540ppm Pb as the removal action levels. Cost for removals at homes above these levels would be about \$3 million.</p>	<p>Able to begin implementing remedy next summer. FS can easily be turned into EE/CA and Action Memo can be written quickly.</p>	<p>Funds for NTCRA are currently not available from EPA HQ. Community may not understand the action levels selected in the Action Memo are not the final action levels, although community has had experience with removals before</p>	<p>Less likely to be subject to legal challenge, since the action levels are supported by the existing FS. Use of NTCRA would be consistent with the NCP if EPA makes the necessary dollar limit threshold waiver findings required by CERCLA § 104(c)(1)(C).</p>